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Attorneys for Defendant Johnson Mai

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	UNITED STATES,)	No: 3-06-70479 MAG
12	Plaintiff)	
12	v.)	
13	JOHNSON MAI,)	[AMENDED PROPOSED] ORDER AND
14	a/k/a Zhi Xiong Mai)	STIPULATION FOR CONTINUANCE
14	a/k/a Uncle Hong,)	FROM SEPTEMBER 14, 2007 TO
15	a/k/a Chi Hong Mak,)	NOVEMBER 2, 2007 AND EXCLUDING
15	a/k/a Hong Suk;)	TIME FROM THE SPEEDY TRIAL ACT
16	LISA LEE,)	CALCULATION (18 U.S.C. § 3161(h)(8)(A)
16	a/k/a Xiao Ling Li;)	AND WAIVING TIME LIMITS UNDER
17	KAI LUN ZHENG,)	RULE 5.1
18	a/k/a Wai Keung Cheung,)	
18	a/k/a Su Ming,)	
19	a/k/a Alan Zheng;)	
20	ZHI EN HUANG,)	
20	a/k/a Gao Lo;)	
21	DAVID YUEN,)	
21	a/k/a Lo Wu,)	
22	a/k/a Wu So Gor; and)	
22	ERIC YU HENG CAI)	
23)	
24	Defendants.)	
25)	

With the agreement of the parties, and with the consent of the defendants, the Court enters this order scheduling a status conference on November 2, 2007 at 9:30 a.m. before duty magistrate judge

Bernard Zimmerman, and documenting the defendants' waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(ii) and (iv), from September 14, 2007 to and through November 2, 2007. The parties agree, and the Court finds and holds, as follows:

1. The case is very complex and involves international transactions and shipments, foreign banks and complex monetary transactions, extensive wiretap evidence and conversations in different Chinese language dialects. There are multiple defendants and discovery is voluminous. All defense counsel involved are in need of additional time to prepare the case. Furthermore, the government and defense counsel are actively involved in the process of global settlement discussions to resolve all pending charges involving all defendants before the court and additional time is necessary to seek approval of proposed plea agreements with the government.
2. All defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(ii) on the basis of complexity and (iv) continuity of counsel for effective preparation taking into account the exercise of due diligence.
3. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.
4. Accordingly, and with the consent of all parties, the Court (1) alternatively sets a preliminary hearing before the duty magistrate judge on November 2, 2007 at 9:30 a.m. and (2) orders that the period from September 14, 2007 to November 2, 2007 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(b).

IT IS SO STIPULATED:

DATED: September 13, 2007

/s/ Garrick Lew
GARRICK LEW
Attorney for Defendant Johnson Mai

DATED: September 13, 2007

/s/ Alice Wong
ALICE WONG
Attorney for Defendant Lisa Lee

1 DATED: September 13, 2007

2 /s/ Gil Eisenberg
3 GIL EISENBERG
Attorney for Defendant Kai Lun Zheng

4 DATED: September 13, 2007

5 /s/ Brian Getz
6 BRIAN GETZ
Attorney for Zhi En Huang

7 DATED: September 13, 2007

8 /s/ Stuart Hanlon
9 STUART HANLON
Attorney for David Yuen

10 DATED: September 13, 2007

11 /s/ Randy Montesano
12 RANDY MONTESANO
Attorney for Eric Cai

13 DATED: September 13, 2007

14 /s/ Thomas Mazzucco
15 THOMAS MAZZUCCO
Assistant United States Attorney

16 For the reasons stated above, the Court finds that the ends of justice served by the
17 continuance outweigh the best interests of the public and the defendant in a speedy trial and that time
18 should be excluded from the Speedy Trial Act calculations from September 14, 2007 through
19 November 2, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure
20 to grant the requested continuance would deny the defendants effective preparation of counsel, taking
21 into account the exercise of due diligence, and would result in a miscarriage of justice. See
22 18 U.S.C. § 3161(h)(8)(B)(iv).

23 IT IS SO ORDERED.

24 DATED: September 13, 2007

